IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2285 OF 2002

ITC Limited .....Petitioner

Versus

Shri Atmaram M. Magar, & Ors.....Respondents

Mr. P.K.Rele with Mr. V.Tayade i/b.Piyush Shah for
Petitioner
Ms. Shobhana Gopal, for the respondent No.1.

CORAM: F.I. REBELLO, J.
DATE 22nd August, 2005

P.C.:

1. The petitioners had approached this Court against the order dated 11th July, 2002 whereby the learned Presiding Officer of the Labour Court had recorded a finding that the applications as filed are maintainable and had further issued a direction to the parties to appear in their respective proceedings. The contention of the petitioners herein is that the Labour Court had no jurisdiction in the matter of Income Tax deduction which the company had made and which has been paid to the Income Tax Authorities.

2. After hearing the parties it is not necessary to go into the controversy as the learned Counsel for the respondents makes a statement that they are withdrawing the applications itself which is pending before the Labour Court. Learned Counsel, however, submits that in view of the contention by the petitioners herein and the documentary evidence before this Court and failure by the Income Tax Department to pay the amount in favour of the workmen the respondents be permitted to file proceedings before this Court for recovery of the dues of the workmen.

3. After having considered the contention of the parties it appears prima facie that the petitioners have placed before the Income Tax Authorities that the deduction from the workmen's V.R.S. dues have been paid or deposited with the Income Tax authorities. The Income Tax Authorities are not paying the amount on the ground that the petitioner has not fully produced all the documents.

. Considering the controversy and the statement made on behalf of the workmen that they are withdrawing the applications from the Labour Court the statement is accepted, the said Applications are, therefore, dismissed as withdrawn. In view of that nothing further survives in the petition. It will be open to the workmen to take such steps which they are entitled to in law including filing a Writ Petition considering what is set out in the earlier part of this order.

Rule discharged. No order as to costs.

(F.I.REBELLO, J.)